

AMENDED REGULAR MEETING AGENDA – PAGE 1

FEBRUARY 21, 2007

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
FEBRUARY 7, 2007 REGULAR MEETING**

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**

CHIEF EXECUTIVE'S REPORT

SECTION I INVITATION FOR PROPOSALS

PROPOSAL OPENING IN RESPONSE TO BUTTE-SILVER BOW REQUEST
FOR QUALIFICATIONS FOR ENERGY PERFORMANCE AND
OPERATIONS OPTIMIZATION SERVICES. Proof of publication
(Communication No. 07-66 being held in Committee of the Whole.)

SECTION II INVITATION FOR BIDS

SEALED BIDS FOR THE PURCHASE OF APPROXIMATELY 1000 TONS OF 120/150 PENETRATION GRADE ASPHALT CEMENT (PERFORMANCE GRADE 58-28) WITH 0.5% ANTI-STRIPPING AGENT 200 TONS OF CRS-2P CATIONIC EMULSIFIED ASPHALT. Proof of publication. (**Communication No. 07-73 being held in Committee of the Whole**).

SECTION II-A INVITATION FOR BIDS

SEALED BIDS FOR WATER MAIN RENEWAL. Proof of publication
(Communication No. 07-85 being held in Committee of the Whole) Proof of
publication

SECTION III

INVITATION FOR BIDS

SEALED BIDS FOR ONE (1) NEW 2007 HOT ASPHALT AND SANDING MACHINE. Proof of publication. (Communication No. 07-74 being held in Committee of the Whole.)

SECTION IV

CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 3. JUDICIARY COMMITTEE MEETING REPORT
- 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

- 1. 07-87 Ellen Crain, Archives Director, requesting concurrence in change order #2 extending contract time for Butte Archives Seismic upgrade and roof replacement. **Recommendation: concur and place on file**
- 2. 07-88 Karen Byrnes, Community Development Department Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget.**
- 3. 07-89 Robert F. Everly, Everly & Associates, requesting Butte-Silver Bow accept donation of that portion of property located with Harrison Avenue. **Recommendation: concur and place on file.**
- 4. 07-90 Robert M. McCarthy, County Attorney, requesting approval of line item budget transfer. **Recommendation: refer to Finance and Budget Committee.**
- 5. 07-91 Jeffrey L. Miller, Director of Fire Services, requesting authorization for Chief Executive to enter into contract with General Fire Equipment Company. **Recommendation: concur and place on file.**
- 6. 07-92 Karen Byrnes, Community Development Director, requesting approval of Community Enrichment Awards recommended by Community Enrichment Committee. **Recommendation: concur and place on file.**
- 7. 07-93 David B. Coleman, Sr., requesting suggested changes to the proposed Historic Preservation Commission Ordinance. **Recommendation: note and place on file.**

8. 07-94 Danette L. Gleason, regarding resignation from the position of Assistant Finance and Budget Director. **Recommendation: note and place on file.**
9. 07-95 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
10. 07-96 Glen Granger, Commissioner District 1, regarding a letter from Michelle Cavanaugh stating concerns with the senior housing development on Continental Drive. **Recommendation: refer to Committee of the Whole. (Copies of letter have been sent to Planning Department and Public Works Department.**
11. 07-98 Debra Williams, Justice Court Judge, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
12. 07-99 Walt Choquette, Superintendent Metro Maintenance Dept. requesting approval of line item budget transfer. **Recommendation: refer to Finance and Budget Committee.**
13. 07-100 Dan Dennehy, Health Officer, requesting time on 3/7/07 agenda to conduct a public hearing to receive unanticipated revenue from the Montana Department of Public Health and Human Services for the Health Department. **Recommendation: schedule public hearing for 3/7/07 and hold in Committee of the Whole.**
14. 07-101 Ed Randall, Community Enrichment Coordinator, requesting authority to demolish 943 N. Main and award the bid to Schnell Excavating, Inc., Low Bidder. **Recommendation: concur and place on file.**
15. 07-102 David B. Coleman, Sr. Commissioner District 8, requesting on behalf of Public Housing Authority for waiver of assessment due in May 2007. **Recommendation: refer to Judiciary Committee.**
16. 07-103 Russ Connole, Economic Development Director, requesting approval of line item budget transfer. **Recommendation: refer to Finance and Budget Committee.**
17. 07-105 John C. Van Daveer, Public Works Director, requesting time on 2/28/07 agenda to give a presentation regarding the Animal Shelter first year of operation. **Recommendation: Schedule**

presentation and hold in Committee of the Whole.

18. 07-106 John C. Van Daveer, Public Works Director, requesting time on 2/28/07 agenda to give a presentation regarding the Annual Report Requirements of our Storm Water Management Program. **Recommendation: schedule presentation and hold in Committee of the Whole.**
19. 07-107 Karen Byrnes, Community Development Director, regarding Y2007 Community Transportation Enhancement Program (CTEP). **Recommendation: note and place on file.**
20. 07-108 Karen Byrnes, Community Development Director, requesting permission to hold Community Needs Assessment Public Hearing on 3/7/07. **Recommendation: schedule public hearing for 3/7/07 and hold in Committee of the Whole.**

SECTION V COMMUNICATIONS TO BE READ AND ACTED UPON

1. 07-97 Paul Babb, Chief Executive, requesting approval of appointment of Roger Ebner as Emergency Management Coordinator.
2. 07-104 Paul Babb, Chief Executive, requesting concurrence in appointments to Law Enforcement Commission

SECTION VI ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. COUNCIL BILL NO. 07-3 ORDINANCE NO. 07-3

AN ORDINANCE AMENDING CHAPTER 10.52 OF THE BUTTE-SILVER BOW MUNICIPAL CODE ENTITLED "PARKING"; AMENDING SECTION 10.52.020 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); PROVIDING THAT PARKING BE PROHIBITED ALONG THE WEST CURB LINE OF FARRAGUT AVENUE A DISTANCE OF 60 FEET NORTH FROM ITS INTERSECTION WITH AMHERST AVENUE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-9

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO CREATE A SPECIAL LIGHTING DISTRICT, TO BE KNOWN A SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1027, FOR THE PURPOSE OF DIRECTING, EQUIPPING, MAINTAINING, AND INSTALLING AN ELECTRICAL LIGHTING SYSTEM; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL IMPROVEMENT LIGHTING DISTRICT; STATING THE PURPOSE OF AND GENERAL CHARACTER OF THE IMPROVEMENTS TO BE MADE IN SAID SPECIAL IMPROVEMENT DISTRICT; ESTIMATING THE APPROXIMATE COST THEREOF FOR THE FIRST YEAR; FINDING, DETERMINING AND DECLARING THAT PROPERTY WITHIN SAID SPECIAL IMPROVEMENT DISTRICT WILL BE ESPECIALLY BENEFITED AND AFFECTED BY SUCH PROPOSED IMPROVEMENT; DECLARING THAT SUCH PROPERTY SHOULD BE ASSESSED FOR THE COST THEREOF OF MAINTENANCE AND ENERGY AND EXTENDING SUCH ASSESSMENTS TO BE IN ANNUAL INSTALLMENTS AND PROVIDING FOR THE FUNDS UPON WHICH SAID SPECIAL IMPROVEMENT ENERGY AND MAINTENANCE FUNDS SHALL BE DRAWN; PROVIDING FOR THE PUBLICATION AND GIVING OF NOTICE OF THE PASSAGE AND ADOPTION OF THIS RESOLUTION AND PROVIDING FOR AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

SECTION VII ORDINANCES – 2ND READING

**1. COUNCIL BILL NO. 07-2
ORDINANCE NO. 07.2**

AN ORDINANCE AMENDING CHAPTER 10.48 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “MISCELLANEOUS DRIVING RULES”; ADDING A NEW SECTION ENTITLED “DRIVING WITHOUT MOTOR VEHICLE INSURANCE PROHIBITED” TO BE NUMBERED SECTION 10.48.165; PROVIDING FOR A SURCHARGE AS SET FORTH IN SECTION 10.96.010 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VIII ORDINANCES AND RESOLUTIONS –
FINAL READING**

1. ORDINANCE NO. 06-12

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 239 AND CHAPTER 2.64 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "HISTORIC PRESERVATION COMMISSION"; REPEALING CHAPTER 17.33 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "H HISTORIC OVERLAY ZONE"; PROVIDING FOR THE PRESERVATION, PROTECTION, AND PROMOTION OF HISTORIC PROPERTIES, APPOINTMENT AND QUALIFICATION OF MEMBER, DUTIES AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION; APPOINTMENT AND DUTIES OF THE LOCAL HISTORIC PRESERVATION OFFICER; CREATION OF A LOCAL REGISTER AND ITS DESIGNATION AND PROCEDURES; CREATION AND ADMINISTRATION OF DESIGN REVIEW PROTECTION FOR LOCAL REGISTER PROPERTIES; CREATION AND REVIEW OF LOCAL PRESERVATION INCENTIVES; DEVELOPMENT AND PUBLICATION OF HISTORIC PRESERVATION GUIDELINES; REVIEW AND AUTHORIZATION OF DEMOLITION PERMITS ON HISTORIC PROPERTIES; CREATION OF DEMOLITION BY NEGLECT PROCEDURES ON HISTORIC PROPERTIES; ENFORCEMENT OF THIS ORDINANCE; REPEALING BUTTE-SILVER BOW ORDINANCE NO. 238 IN ITS ENTIRETY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**2. COUNCIL BILL NO. 07-1
ORDINANCE NO. 07-1**

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND SECTION 10.32.010(i) OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "STOP SIGNS"; PROVIDING THAT TRAFFIC PROCEEDING ALONG IDAHO STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF IDAHO STREET AND JOSETTE AVENUE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 07-05

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE RML MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 07-06

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE KELLEY MINOR SUBDIVISION – SUMMARY REVIEW OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 07-08

A RESOLUTION ACCEPTING THE DONATION OF LOT 5 IN BLOCK 9 OF THE PLYMOUTH ADDITION AND LOT 11 OF THE SILVER JOE AND CARRIE LODE LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M. TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION IX CALENDAR OF OTHER MEETINGS AND EVENTS

Feb. 28	Port of Montana	Noon	Hub Center
Feb. 28	Urban Revitalization	9AM	Chief Executive's Conference Room
Mar. 1	Community Enrichment Committee	4PM	1 st Floor Conference Room
Mar. 1	TIFID Board	Noon	304 W. Mercury
Mar. 1	Civic Center	5PM	Civic Center Hospitality Room
Mar. 5	Airport Authority	Noon	Bert Mooney Airport
Mar. 6	Weed Board	7PM	Weed Department
Mar. 6	Historic Preservation	Noon	Health Department
Mar. 7	Butte Aids Support Services	7PM	Community Center
Mar. 7	Fire Advisory Council	5PM	Chief Executive's Conference Room
Mar. 7	Health Department	7AM	Health Department
Mar. 7	Library	5PM	Library Building
Mar. 7	Community Enrichment Committee	3:30 PM	1 st Floor Conference Room

ADJOURN

COMMITTEE OF THE WHOLE MEETING REPORT

FEBRUARY 14, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole, respectfully recommend as follows:

SECTION I INVITATION FOR BIDS

SEALED BIDS FOR TWO (2) – 1500 GPM PUMPER TRUCKS.
(Communication No. 07-63 being held in Committee of the Whole) **Proof of Publication was noted and placed on file.**

Jeff Miller, Director of Fire Services, opened the following bids:

Rosenbauer General Fire Apparatus	\$423,769.00
Montana Fireworks	\$395,490.24
Big Sky Fire Department – no bid – request keep on list	
Pierce Mary Fire Apparatus	\$739,878.00

Committee recommends the bids be referred to the Chief of Fire Services for review and report back.

SECTION II INVITATION FOR BIDS

SEALED BIDS FOR ONE (L) – 100' AERIAL FIRE TRUCK. (Communication No. 07-63 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Jeff Miller, Director of Fire Services, opened the following bids:

Big Sky Fire Department – no bid – request keep on list	
General Fire	\$787,962.00
Montana Fireworks	\$890,913.71
Pierce Manufacturing	\$922,290.00

Committee recommends the bids be referred to the Chief of Fire Services for review and report back.

SECTION III

COMMUNICATION NO. 06-648

Bill Melvin, Civic Center Manager, requesting approval to allow EdTech Federal Credit Union To place an ATM in the lobby of the Civic Center. *Committee recommends that Communication No. 06-648 be held in abeyance.*

SECTION IV

COMMUNICATION NO. 06-731

Stephen D. Hess, Senior Planner, requesting approval of preliminary plat of the Johnson Creek Minor Subdivision. *Committee recommends that Communication No. 06-731 be held in abeyance.*

SECTION V

COMMUNICATION NO. 07-36

Jeff Miller, Director of Fire Services, requesting authorization for Chief Executive to seek funding on behalf of Butte-Silver Bow Fire Department through Montana Board of Investments Intercap Loan Program. *Committee recommends that Communication No. 07-36 be held in abeyance.*

SECTION VI

PETITION NO. 07-2

Patrick Riordan, Butte-Silver Bow SID Administrator, creation of a Special Improvement Lighting District 1027 and requesting Council pass a resolution of intent and schedule a public hearing. *Committee recommends that Petition No. 07-2 be held in abeyance.*

SECTION VII

COMMUNICATION NO. 07-21

Robert A. Macioroski, Director Butte-Silver Bow Land Office, requesting County Attorney be requested to prepare a resolution and deed for transfer of county-owned property to Steven and Julie Jaksha. *Committee recommends that Communication No. 07-21 be cross referenced with Council Resolution 07-7 and placed on file.*

SECTION VIII

COMMUNICATION NO. 07-73

Karen Byrnes, Director Community Development Department, requesting time on the 1/31/07 agenda to present an update of Butte-Silver Bow's recognition as a Preserve America Community and recent receipt of grant from State Historic Preservation Office. *Committee recommends that Communication No. 07-73 be placed on file.*

SECTION IX**COMMUNICATION NO. 07-30**

Rob Macioroski, Director Land Office, requesting approval of sale of property at 241 E. Park Street and authorization for County Attorney to prepare a resolution for sale of this county-owned property. *Committee recommends that Communication No. 07-30 be cross referenced with Council Resolution No. 07-4 and placed on file.*

SECTION X**COMMUNICATION NO. 07-48**

John P. Walsh, Sheriff, regarding confirmation of Benjamin Rauch as a permanent member of the Butte-Silver Bow Law Enforcement Department. *Committee recommends that Communication No. 07-48 be placed on file.*

SECTION XI**COMMUNICATION NO. 07-63**

Jeffrey L. Miller, Director of Fire Services, requesting authorization to conduct two bid openings 2/14/07 for a 2007 100' Rear-Mount Aerial Apparatus and (2) 2007 1500 GPM pumper trucks for the Butte-Silver Bow Fire Department. *Committee recommends that Communication No. 07-63 be placed on file.*

SECTION XII**COMMUNICATION NO. 07-64**

Paul D. Babb, Chief Executive, requesting concurrence in approval of Thomas Deiter as a probationary entry level fire fighter. *Committee recommends that Communication No. 07-64 be placed on file.*

SECTION XIII**COMMUNICATION NO. 07-66**

John C. Van Daveer, Public Works Director, requesting time on 2/21/07 agenda to conduct a proposal opening for Request for Qualifications for Energy Performance and Operations Optimization Services. *Committee recommends that Communication No. 07-66 be held in abeyance.*

SECTION XIV**COMMUNICATION NO. 07-67**

Rob A. Macioroski, Land Records Director, regarding request to donate property to Butte-Silver Bow and direct the County Attorney to prepare the resolution and deed for transfer of property to Butte-Silver Bow. *Committee recommends that Communication No. 07-67 be cross referenced with Council Resolution No. 07-8 and placed on file.*

SECTION XV**COMMUNICATION NO. 07-69**

Rob Macioroski and Patsy Coates, Land Office, requesting time on the 3/7/07 Agenda to conduct a bid opening for Title and Lien Search for the 2007 Tax Deed Process. *Committee recommends that Communication No. 07-69 be held in abeyance.*

SECTION XVI**COMMUNICATION NO. 07-73**

John C. Van Daveer, requesting time on 2/21/07 agenda to conduct a bid opening in response to the Butte-Silver Bow Invitation for Bid for Asphalt. *Committee recommends that Communication No. 07-73 be held in abeyance.*

SECTION XVII**COMMUNICATION NO. 07-74**

John C. Van Daveer, requesting time on the 2/21/07 agenda to conduct a bid opening in response to the Butte-Silver Bow invitation for bid for 2007 hot asphalt and sanding machine. *Committee recommends that Communication No. 07-74 be held in abeyance.*

SECTION XVIII**COMMUNICATION NO. 07-85**

Jean Pentecost, Operations Manager, requesting time on 2/21/07 to conduct a bid opening for Water Main Renewal. *Committee recommends that Communication No. 07-85 be held in abeyance.*

SECTION XIX**COMMUNICATION NO. 07-86**

Charlie O'Leary, Commissioner District 5, requesting council viewpoint on the possibility of contracting with Russ Reid Company for help in securing federal funding for unfunded infrastructure problems in Butte-Silver Bow. *Committee recommends that Communication No. 07-86 be held in abeyance.*

COMMUNICATION NO. 07-56

Karen Byrnes, Director URA, requesting approval of line item budge transfers.
Committee recommends that Communication No. 07-56 be approved as submitted.

COMMUNICATION NO. 07-58

Gary Keeler, Transit Director, requesting approval of line item budget transfers.
Committee recommends that Communication No. 07-58 be approved as submitted.

COMMUNICATION NO. 07-65

John P. Walsh, Sheriff, requesting approval of line item budget transfers.
Committee recommends that Communication No. 07-65 be approved as submitted.

COMMUNICATION NO. 07-75

Bill Melvin, Civic Center Manager, requesting approval of line item budget transfers. *Committee recommends that Communication No. 07-75 be approved as submitted.*

COMMUNICATION NO. 07-82

Jeffrey L. Miller, Director of Fire Services, requesting approval of line item budget transfers. ***Committee recommends that Communication No. 07-82 be approved as submitted with Friendly Amendment.***

EXPENDITURE APPROVAL

2/14/07

\$215,967.34

Committee recommends approval of above.

JUDICIARY COMMITTEE MEETING REPORT

FEBRUARY 14, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 06-69

Charlie O'Leary, Commissioner District 5, requesting creation of an ordinance to be located in Section 6 of the Butte-Silver Bow Municipal Code Book – Animals. *Committee recommends that Communication No. 06-69 be held in abeyance.*

SECTION II COMMUNICATION NO. 06-531

Charlie O'Leary, Commissioner District 5, requesting Council refer to Judiciary Committee for the purpose of declaring Gas Tax Road 235 (a/k/a the East portion of Forest Service Road 84) as a county road. *Committee recommends that Communication No. 06-531 be held in abeyance.*

SECTION III COMMUNICATION NO. 06-532

Andrew Wilson, requesting noise abatement regulations be enforced in his neighborhood. *Committee recommends that Communication No. 06-531 be held in abeyance.*

SECTION IV COMMUNICATION NO. 06-673

Mark and Shirley Rule, requesting proposal to enter into 5-year lease and one 5-year renewable term of Rose and Shamrock Mining Claim #2829, Lot 599 on Moulton Reservoir Road. *Committee recommends that Communication No. 06-673 be held in abeyance.*

SECTION V COUNCIL BILL NO. 05-11 ORDINANCE NO. 05-11

AN ORDINANCE CREATING A NEW CHAPTER WITHIN THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) TO BE ENTITLED "SECONDHAND GOODS" TO BE NUMBERED CHAPTER 5.66, B-SB MC; ESTABLISHING REGULATIONS FOR ALL SECONDHAND DEALERS INCLUDING SECONDHAND STORES, PAWNBROKERS, COIN DEALERS, AND DEALERS IN PRECIOUS AND SEMI-PRECIOUS METALS OR

STONES; ESTABLISHING REPORT REQUIREMENTS; SETTING LICENSING FEES; ESTABLISHING PENALTIES FOR VIOLATION; REPEALING CHAPTERS 5.36 AND 5.44, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that a public hearing be set for 3/14/07 – publish 2/25/07 and 3/5/07.*

SECTION VI

COUNCIL BILL NO. 06-2 ORDINANCE NO. 06-2

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SPEED LIMIT;” ESTABLISHING A 35 MPH SPEED LIMIT ON HANSEN ROAD BEGINNING AT ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH AND CONTINUING SOUTH TO A POINT 0.702 MILES ON THE SOUTH; ESTABLISHING A 25 MPH SPEED LIMIT ON HANSEN ROAD FROM A POINT 0.971 MILES SOUTH OF ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH TO HOLMES AVENUE ON THE SOUTH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 06-2, Ordinance No. 06-2 be held in abeyance.*

SECTION VII

COUNCIL BILL NO. 06-12 ORDINANCE NO. 06-12

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 239 AND CHAPTER 2.64 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “HISTORIC PRESERVATION COMMISSION”; REPEALING CHAPTER 17.33 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “H HISTORIC OVERLAY ZONE”; PROVIDING FOR THE PRESERVATION, PROTECTION, AND PROMOTION OF HISTORIC PROPERTIES, APPOINTMENT AND QUALIFICATION OF MEMBER, DUTIES AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION; APPOINTMENT AND DUTIES OF THE LOCAL HISTORIC PRESERVATION OFFICER; CREATION OF A LOCAL REGISTER AND ITS DESIGNATION AND PROCEDURES; CREATION AND ADMINISTRATION OF DESIGN REVIEW PROTECTION FOR LOCAL REGISTER PROPERTIES; CREATION AND REVIEW OF LOCAL PRESERVATION INCENTIVES; DEVELOPMENT AND PUBLICATION OF HISTORIC PRESERVATION GUIDELINES; REVIEW AND AUTHORIZATION OF DEMOLITION PERMITS ON HISTORIC PROPERTIES; CREATION OF DEMOLITION BY NEGLECT PROCEDURES ON HISTORIC PROPERTIES; ENFORCEMENT OF THIS ORDINANCE; REPEALING BUTTE-SILVER BOW ORDINANCE NO. 238 IN ITS ENTIRETY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Committee recommends that Council Bill No. 06-12, Ordinance No. 6-12 be placed on final reading and passed.

SECTION VIII

**COUNCIL BILL NO. 07-1
ORDINANCE NO. 07-1**

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND SECTION 10.32.010(i) OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “STOP SIGNS”; PROVIDING THAT TRAFFIC PROCEEDING ALONG IDAHO STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF IDAHO STREET AND JOSETTE AVENUE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 07-1, Ordinance No. 07-1 be placed on final reading and passed.*

SECTION IX

**COUNCIL BILL NO. 07-2
ORDINANCE NO. 07-2**

AN ORDINANCE AMENDING CHAPTER 10.48 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “MISCELLANEOUS DRIVING RULES”; ADDING A NEW SECTION ENTITLED “DRIVING WITHOUT MOTOR VEHICLE INSURANCE PROHIBITED” TO BE NUMBER SECTION 10.48.165; PROVIDING FOR A SURCHARGE AS SET FORTH IN SECTION 10.96.010 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 07-2, Ordinance No. 07-2 be placed on second reading and passed.*

SECTION X

COUNCIL RESOLUTION NO. 06-119

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE JOHNSON CREEK MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND FINDING THE NECESSARY FACTS HEREIN. *Committee recommends that Council Resolution No. 06-119 be held in abeyance.*

SECTION XI

COUNCIL RESOLUTION NO. 07-05

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE RML MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-05 be placed on final reading and passed.*

SECTION XII**COUNCIL RESOLUTION NO. 07-06**

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE KELLEY MINOR SUBDIVISION – SUMMARY REVIEW OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-06 be placed on final reading and passed*

SECTION XIII**COUNCIL RESOLUTION NO. 07-08**

A RESOLUTION ACCEPTING THE DONATION OF LOT 5 IN BLOCK 9 OF THE PLYMOUTH ADDITION AND LOT 11 OF THE SILVER JOE AND CARRIE LODE LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M. TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-08 be placed on final reading and passed.*

PUBLIC WORKS COMMITTEE MEETING REPORT

FEBRUARY 14, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 05-66

Charlie O'Leary, Commissioner District 6, requesting speed limits and urban highway designations on a portion of Western Boulevard and also Meadowlark. *Committee recommends that Communication No. 05-66 be held in abeyance.*

SECTION II COMMUNICATION NO. 05-522

Charlie O'Leary, Commissioner District 5, requesting signs, guardrails, et., in the area of Meadowview Drive and the street leading into the Homestake Meadows Subdivision. *Committee recommends that Communication No. 05-522 be held in abeyance.*

SECTION III COMMUNICATION NO. 05-642

Paul Babb, Chief Executive, requesting time on 11/9/05 agenda for presentation on Sunset Memorial Cemetery by Danette Gleason, Assistant Finance and Budget Director, Mollie Maffei, Deputy County Attorney and Pat Burt, Newland Company. *Committee recommends that Communication No. 05-642 be held in abeyance.*

SECTION IV PETITION 06-9

John Harrington, Building Official, requesting on behalf of Charles and Roxanna Bulen, Sportsman Motel and RV to close and vacate a portion of 5th Street in Melrose between Blocks 8 and 10, Melrose Townsite. *Committee recommends that Petition No. 06-9 be held in abeyance. Public Hearing is scheduled for 2-28-07.*

SECTION V COMMUNICATION NO. 06-146

Joseph E. Lee, Commissioner District #2, requesting a traffic study/intersection of Amherst and Farragut. *Committee recommends that Communication No. 06-146 be held in abeyance. Waiting for introduction of an ordinance.*

SECTION VI**COMMUNICATION NO. 06-533**

Patrick Kearney, requesting Four Way stop be placed at the corner of George and Garfield. *Committee recommends that Communication No. 06-533 be held in abeyance.*

SECTION VII**COMMUNICATION NO. 06-659**

Mike Sheehy, Commissioner District 10, regarding paving of Hill Top Apartments Driveway. *Committee recommends that Communication No. 06-659 be held in abeyance.*

SECTION VIII**COMMUNICATION NO. 06-661**

Jon Sesso, Planning Director, requesting council prioritize road improvement project – intersection of Beef Trail Road and Little Basin Creek Road. *Committee recommends that Communication No. 06-661 be held in abeyance.*

SECTION IX**COMMUNICATION NO. 06-701**

Marko Lucich, Executive Director for Chamber of Commerce, requesting time on the Public Works agenda to make a presentation on the progress on the Green Belt Conceptual Plan (Berkeley Pit Viewing Stand). *Committee recommends that Communication No. 06-701 be held in abeyance.*

SECTION X**PETITION NO. 07-1**

John Harrington, Building Official, requesting on behalf of Steve and Sharon Wilson to close and vacate a portion of Henry Street. *Committee recommends that Petition No. 07-1 be held in abeyance. Public Hearing being scheduled.*